

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHAWN ALEXANDER POWELL,

Plaintiff,

v.

DAVID E. ORTIZ, et al.,

Defendants.

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Civ. No. 20-5985 (NLH) (JS)

OPINION

APPEARANCE:

Shawn Alexander Powell
70439-056
Fort Dix
Federal Correctional Institution
Inmate Mail/Parcels
East: P.O. Box 2000
Fort Dix, NJ 08640

Plaintiff Pro se

HILLMAN, District Judge

Plaintiff Shawn Alexander Powell, an inmate presently incarcerated in FCI Fort Dix, New Jersey, seeks to bring this civil action without prepayment of fees or security, asserting a claim pursuant to the 42 U.S.C. § 1983. See ECF No. 6.

The Court previously administratively terminated the complaint because Plaintiff did not pay the filing fee or submit an in forma pauperis application. ECF No. 3. Plaintiff submitted an in forma pauperis application for the Court's review. ECF No. 6.

Title 28, section 1915 of the United States Code establishes certain financial requirements for prisoners who are attempting to bring a civil action in forma pauperis. Under § 1915, a prisoner seeking to bring a civil action in forma pauperis must submit an affidavit, including a statement of all assets and liabilities, which states that the prisoner is unable to pay the fee. 28 U.S.C. § 1915(a)(1). The prisoner also must submit a certified copy of his inmate trust fund account statement(s) for the six-month period immediately preceding the filing of his complaint. 28 U.S.C. § 1915(a)(2). The prisoner must obtain this certified statement from the appropriate official of each correctional facility at which he was or is confined during such six-month period. Id.

Plaintiff's account statement is dated January 3, 2020. ECF No. 6 at 3. The statement does not comply with § 1915 because the statement must reflect the six months prior to filing the complaint. Plaintiff submitted his complaint May 5, 2020. ECF No. 1. Plaintiff should submit an account statement for the period between November 5, 2019 and May 5, 2020 for the Court's review.

CONCLUSION

For the reasons set forth above, the in forma pauperis is denied without prejudice. The Clerk of the Court will be ordered to administratively terminate this action and to send

Plaintiff a blank application form. The Clerk will be directed to reopen the matter once Plaintiff submits a new application or the filing fee. An appropriate Order follows.

Dated: June 25, 2020
At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.